

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**HARVEY E. YATES COMPANY,
JALAPENO CORPORATION, and
YATES ENERGY CORPORATION,**

Plaintiffs,

v.

No. 12-cv-0857 GBW/SMV

CIMAREX ENERGY COMPANY,

Defendant.

ORDER DENYING AS MOOT MOTION FOR EXTENSION

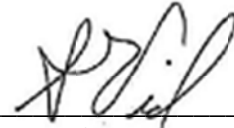
THIS MATTER is before the Court upon Plaintiffs' Unopposed Motion for Extension of Time [Doc. 10], in which Plaintiffs move for an extension of time to file a response to Defendant's Motion to Dismiss [Doc. 4]. The Court, having considered Plaintiffs' Motion and being otherwise fully advised in the premises, FINDS that the Motion is not well-taken and should be denied as moot.

Pursuant to D.N.M.LR-Civ. 7.4(a), the time to respond to a motion may be extended by agreement of all parties. Where such extension is unopposed, the party requesting the extension need only file a notice identifying the new deadline and the document to be filed—the Local Civil Rules do not require a Motion for an extension.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Plaintiffs' Unopposed Motion for Extension of Time [Doc. 10] is **DENIED AS MOOT**. However, the Court construes the Motion to be a notice of extension made pursuant to D.N.M.LR-Civ. 7.4(a),

and therefore takes notice that the deadline for Plaintiffs to file their Response to Defendant's Motion to Dismiss [Doc. 4] is extended from August 27, 2012 to **September 6, 2012**.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'S. Vidmar', is written above a horizontal line.

STEPHAN M. VIDMAR
United States Magistrate Judge